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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,126	07/31/2003	Jeffrey L. Huckins	ITL.1037US (P17124)	2466
21906	7590	01/12/2006	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			SANTIAGO CORDERO, MARIVELISSE	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/631,126		HUCKINS, JEFFREY L.	
	Examiner		Art Unit	
	Marivelisse Santiago-Cordero		2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-11 are pending. Claims 12-15 were withdrawn from consideration.

Election/Restrictions

2. Applicant's election of Group I (claims 1-11) in the reply filed on 12/5/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

3. The use of the trademark BLUETOOTH has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

4. The disclosure is objected to because of the following informalities: the term "the software 22 shown in Figure 4" (page 6, lines 2-3) should be corrected, since reference character "22" is previously used to represent "request for access" (see Figs. 2-3).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is indefinite since it is unclear to what system the limitation “said system” is referring to since claim 4, from which claim 8 depends, discloses a processor-based system and a remote processor-based system.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 4, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Flodén et al. (hereinafter “Flodén”; Patent No.: 6,230,002).

Regarding claim 1, Flodén discloses a method comprising: receiving a wireless signal in a handheld device in response to a request for access to a processor-based system (col. 8, lines 19-33); and accessing credential information in a subscriber information module (col. 8, lines 33-37); and transmitting information related to said credential information to said processor-based system to enable access to said system (col. 8, lines 40-44).

Regarding claim 4, Flodén discloses a processor-based system comprising: a wireless interface (Fig. 1; note the antenna); a subscriber information module (Fig. 1, reference 101; and a device, coupled to said module, to receive a wireless request to access a remote processor-based system (Fig. 1; col. 2, lines 5-14), to obtain credential information from said module (Fig. 1; col.

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2, lines 5-14), and to provide said credential information to said remote processor-based system to enable use of said remote processor-based system (Fig. 1; col. 2, lines 5-14).

Regarding claim 8, Flodén discloses the system of claim 4 wherein said system is a cellular telephone (Fig. 1).

Regarding claim 9, Flodén discloses an article comprising a medium storing instructions that, if executed, enable a processor-based system to: receive a wireless signal in a handheld device in response to a request for access to a processor-based system (col. 8, lines 19-33); and access credential information in a subscriber information module (col. 8, lines 19-33); and transmit information related to said credential information to said processor-based system to enable access to said system (col. 8, lines 19-33).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-2, 4-5, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotola (Pub. No.: US 2005/0009469) in view of Flodén.

Regarding claim 1, Kotola discloses a method comprising: receiving a wireless signal in a handheld device in response to a request for access to a processor-based system (pages 1-2, paragraph [0009]; page 3, paragraphs [0026]-[0027]); and transmitting information related to said credential information to said processor-based system to enable access to said system (page 3, paragraphs [0026]-[0027]).

Kotola fails to disclose accessing credential information in a subscriber information module. Kotola, however, suggests that other methods of authorization information distribution can be used to suit the level security required.

However, in the same field of endeavor, Flodén discloses receiving a wireless signal in a handheld device in response to a request for access to a processor-based system (col. 8, lines 19-33); and accessing credential information in a subscriber information module (col. 8, lines 33-37).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to access the credential information of Kotola in a subscriber information module.

One of ordinary skill in this art would have been motivated to access the credential information in a subscriber information module because it would secure the transmission and prevent fraud.

Regarding claim 2, in the obvious combination, Kotola discloses including receiving a wireless signal pursuant to a protocol with a relatively short range to generate said wireless signal (Abstract; Figs. 1-2).

Regarding claim 4, Kotola discloses a processor-based system comprising: a wireless interface (Fig. 1, note the antenna); and a device, to receive a wireless request to access a remote processor-based system, to obtain credential information (pages 1-2, paragraph [0009]; page 3, paragraphs [0026]-[0027]), and to provide said credential information to said remote processor-based system to enable use of said remote processor-based system (page 3, paragraphs [0026]-[0027]).

Kotola fails to disclose a subscriber information module. Kotola, however, suggests that other methods of authorization information distribution can be used to suit the level security required.

However, in the same field of endeavor, Flodén discloses a processor-based system comprising: a wireless interface (Fig. 1; note the antenna); a subscriber information module (Fig. 1, reference 101; and a device, coupled to said module, to receive a wireless request to access a remote processor-based system (Fig. 1; col. 2, lines 5-14), to obtain credential information from said module (Fig. 1; col. 2, lines 5-14), and to provide said credential information to said remote processor-based system to enable use of said remote processor-based system (Fig. 1; col. 2, lines 5-14).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the processor-based system of Kotola a subscriber information module as suggested by Flodén.

One of ordinary skill in this art would have been motivated to incorporate in the processor-based system a subscriber information module because it would secure the transmission and prevent fraud.

Regarding claim 5, in the obvious combination, Kotola discloses wherein said wireless interface is a short-range wireless interface (Abstract; Figs. 1-2).

Regarding claim 7, in the obvious combination, Kotola discloses wherein said wireless interface includes an antenna (Fig. 1). Kotola in combination with Flodén fail to disclose a dipole antenna.

However, the Examiner takes Official Notice of the fact that it is notoriously well known in the art to use dipole antennas. Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate the antenna of Kotola/Flodén as a dipole antenna because they are more cost-effective if, e.g., manufacturing a mass production, since they are less expensive than other known antennas.

Regarding claim 8, in the obvious combination, Kotola discloses wherein said system is a cellular telephone (pages 2-3, paragraph [0022]).

Regarding claim 9, Kotola discloses an article comprising a medium storing instructions that, if executed, enable a processor-based system to: receive a wireless signal in a handheld device in response to a request for access to a processor-based system (pages 1-2, paragraph [0009]; page 3, paragraphs [0026]-[0027]); and transmit information related to said credential information to said processor-based system to enable access to said system (page 3, paragraphs [0026]-[0027]).

Kotola fails to disclose access credential information in a subscriber information module. Kotola, however, suggests that other methods of authorization information distribution can be used to suit the level security required.

However, in the same field of endeavor, Flodén discloses an article comprising a medium storing instructions that, if executed, enable a processor-based system to: receive a wireless signal in a handheld device in response to a request for access to a processor-based system (col. 8, lines 19-33); and accessing credential information in a subscriber information module (col. 8, lines 33-37).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to access the credential information of Kotola in a subscriber information module.

One of ordinary skill in this art would have been motivated to access the credential information in a subscriber information module because it would secure the transmission and prevent fraud.

Regarding claim 10, in the obvious combination, Kotola discloses further storing instructions that, if executed, enable the processor-based system to use a wireless protocol with a relatively short range to receive said wireless signal (Abstract; Figs. 1-2).

12. Claims 3, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotola in combination with Flodén (hereinafter “Kotola/Flodén”) as applied to claims 2, 5, and 9 above, and further in view of Applicant’s Admitted Prior Art.

Regarding claim 3, Kotola/Flodén disclose the method of claim 2 (see above). Kotola/Flodén fails to disclose including receiving a wireless signal pursuant to a wireless

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protocol that has a range of approximately 10 feet. Kotola does disclose the wireless signal pursuant to the wireless protocol BLUETOOTH (Abstract; Figs. 1-2).

Applicant's admitted prior art discloses one wireless protocol that has a range of approximately 10 feet is BLUETOOTH (Specification: page 2, line 25 through page 3, line 2).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include receiving a wireless signal pursuant to the wireless protocol of Kotola/Flodén that has a range of approximately 10 feet as suggested by Applicant's admitted prior art.

One of ordinary skill in this art would have been motivated to include receiving a wireless signal pursuant to the wireless protocol that has a range of approximately 10 feet because it would be in compliance with current and most up-to-date standards and procedures (note that Applicant's admitted prior art cites BLUETOOTH Specification V.1.0B (2003)).

Regarding claims 6 and 11, the limitations are rejected with the same grounds and for the same reasons and motivations stated above for claim 3.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msc 12/15/05


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